

1 Claims 3 and 6 stand rejected under §103(a) as being obvious under
2 ADS in view of LAB and further in view of “Complete Pre-Upgrade
3 Tasks”, March 23, 2003, Microsoft TechNet. (hereinafter “CPUT”).

4 Claims 16, 17, 24, 32, 33 and 41 stand rejected under §103(a) as
5 being obvious under ADS in view of CPUT.

6 7 The ADS Reference

8 In making out the rejection of claims 1-43, the Office uses ADS as
9 the primary reference. Applicant submits that the content of ADS is
10 attributable to the inventors of the current application. In § 2132.01 of the
11 MPEP under the heading “APPLICANT CAN REBUT *PRIMA FACIE*
12 CASE BY SHOWING REFERENCE’S DISCLOSURE WAS DERIVED
13 FROM APPLICANT’S OWN WORK”, this section instructs that a
14 rejection can be “**overcome by submission of a specific declaration by
15 the applicant establishing that the article is describing applicant’s own
16 work.** *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).”

17 Accordingly, Applicant submits herewith a specific declaration that
18 establishes that the ADS reference describes Applicant’s own work. The
19 declaration identifies two disclosure documents that originally comprised
20 the disclosure packet associated with the subject matter of the present
21 application. In addition, several similarities between these documents and
22 the ADS reference are identified and establish that the ADS reference
23 describes a Microsoft product which was described in the disclosure
24 packet and which pertains to the inventors’ work.

1 In light of this declaration, the ADS reference is removed as a
2 reference.

3 Accordingly, claims 1-43 are allowable.
4

5 **Conclusion**

6 All of the claims are in condition for allowance. Accordingly,
7 Applicant requests a Notice of Allowability be issued forthwith. If the
8 Office's next anticipated action is to be anything other than issuance of a
9 Notice of Allowability, Applicant respectfully requests a telephone call for
10 the purpose of scheduling an interview.
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13 Respectfully submitted,
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15 Dated: 9/25/2007

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